

Reasonable Accommodation Procedures

Federal Retirement Thrift Investment Board
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1. Overview

The Federal Employees' Retirement System Act of 1986 (FERSA) authorized the Federal Retirement Thrift Investment Board (FRTIB), an independent agency of the U.S. Executive Branch, to administer the Thrift Savings Plan (TSP), one of the three components of the new Federal Employees' Retirement System (FERS). The TSP is a defined contribution plan for U.S. Federal civilian employees (including those covered by the older Civil Service Retirement System (CSRS)) as well as members of the uniformed services. FRTIB and TSP are collectively referred to as the Agency. The mission of FRTIB is to administer the TSP solely in the interest of its participants and beneficiaries.

The Office of Resource Management (ORM) supports and manages human resources and administration activities for FRTIB in accordance with Office of Personnel Management (OPM) regulations and other applicable Federal regulations. ORM serves as a strategic partner with FRTIB leadership to drive the design of innovative, effective administrative services and human resource programs that support FRTIB employees and its overall mission. The Human Resources Division (HRD) is a sub-office within ORM that manages the key business processes related human resources programs and initiatives. .

Executive Order 13164 requires all Federal Agencies to establish procedures on processing requests for reasonable accommodation. The Order supports implementation of the requirement of the Rehabilitation Act of 1973 that requires agencies to provide reasonable accommodation to qualified employees or applicants employees and applicants with disabilities unless the accommodation would pose an "undue hardship." The FRTIB is committed to providing reasonable accommodations to its employees and applicants for employment to ensure that individuals with disabilities enjoy equal access to all employment opportunities.

This document sets forth FRTIB's procedures related to processing, determining eligibility for, or otherwise handling reasonable accommodation requests submitted by FRTIB employees, their authorized representatives, and applicants for employment. These procedures apply to requests for

Personal Assistance Services (PAS) as well.¹ These procedures affect all offices. The FRTIB office responsible for these procedures is ORM.

2. Roles and Responsibilities

Director of Resource Management – responsible for ensuring an effective process for handling reasonable accommodation requests and issuing final decisions for reconsideration.

Human Resources Officer - responsible for establishing the Reasonable Accommodation policy and procedures to facilitate the provisions of reasonable accommodation to qualified employees or applicants with disabilities.

Reasonable Accommodation (R/A) Coordinator – responsible for providing guidance to all FRTIB employees, FRTIB Officials, family members, and others concerning these procedures and the Reasonable Accommodation policy; receiving and processing requests for reasonable accommodation in accordance with all applicable rules and regulations; determining the need for medical documentation; approving and/or denying reasonable accommodation requests; notifying the requestor of the decision; coordinating with appropriate FRTIB staff to acquire the accommodations; maintaining reasonable accommodation records; and preparing annual reports for the Human Resources Officer. The R/A Coordinator is in the Human Resources Division. The contact information for the Reasonable Accommodation Coordinator is: April Lane, 77 K Street NE, Washington, DC 20002, April.Lane@FRTIB.gov, 202.864--8684.

FRTIB Officials – responsible for referring reasonable accommodation requests to the R/A Coordinator, participating in the reasonable accommodation process, engaging in the interactive process, working with the R/A Coordinator in determining whether to grant or deny reasonable accommodation requests, and ensuring implementation of an approved accommodation.

¹ The process for requesting PAS, the process for determining whether such services are required, and FRTIB's right to deny such requests when provision of the services would pose an undue hardship, are the same as for reasonable accommodations.

Employees and Applicants with Disabilities - responsible for requesting reasonable accommodations, engaging in the interactive process with FRTIB Officials concerning a request for reasonable accommodation and, if requested, promptly providing medical documentation to support a request for reasonable accommodation.

3. **Applicable Policies**

- Reasonable Accommodation Policy
- EEO Program Directive
- Grievance System Policy

4. **Procedures**

4.1 **Requesting an Accommodation**

RA-1 The employee submits a request orally, in writing, or through a family member, health professional, or other authorized representative, to his or her immediate supervisor, the R/A Coordinator, or any other supervisor in the employee's chain of command. An applicant for employment submits a request orally or in writing to any FRTIB employee involved in the application process or the R/A Coordinator. An individual need not have a particular accommodation in mind before making a request. For provided accommodations that are needed on an ongoing or repeated basis (e.g. sign language interpreters), the agency may not require the employee to submit a written request for recordkeeping purposes each time the accommodation is needed.

RA-2 The recipient of a request notifies the R/A Coordinator within five workdays that an employee or applicant has made an oral request for reasonable accommodation, or forwards the written request to the R/A Coordinator, and notifies the employee or applicant that his or her request has been forwarded to the R/A Coordinator for evaluation. If the R/A Coordinator is the recipient of the request, the R/A Coordinator

notifies the employee or applicant that his/her request has been received and is undergoing evaluation.

4.2 Processing Reasonable Accommodations (Interactive Process)

- IP-1 The R/A Coordinator initiates the interactive process by contacting the individual making the request, and where appropriate, other FRTIB personnel to discuss the process and time frames for determining whether an accommodation will be provided; the nature and extent of the individual's impairment; and potential accommodations.
- IP-2 During the interactive process, the R/A Coordinator determines whether medical documentation is necessary to proceed on the accommodation request, and if such documentation is necessary directs the individual to have his or her health care provider complete the Reasonable Accommodation Medical Certification form (Attachment B). In addition to the Reasonable Accommodation Medical Certification form, the R/A Coordinator provides the employee a copy of his or her position description to provide to the health care provider along with other documentation, if appropriate, to explain the nature of the requestor's job, the essential functions the individual is expected to perform, and other relevant information. If medical documentation is not required, proceed to Step GD-1.
- IP-3 The individual promptly provides the R/A Coordinator with documentation prepared by his or her health care provider explaining the nature of the disability, the need for the reasonable accommodation, and how the requested accommodation, if any, will assist the individual to apply for a job, perform the essential functions of the job, or enjoy the benefits and privileges of the workplace.
- IP-4 Once the medical documentation is received, the R/A Coordinator will evaluate the documentation. If necessary, the R/A Coordinator may have the medical

documentation reviewed by a medical expert of the FRTIB's choosing at the FRTIB's expense. If the medical documentation received is deemed insufficient to establish the existence of a disability or to explain the reason for the specific requested accommodation by the R/A Coordinator or the medical expert, the R/A Coordinator requests the individual to provide additional medical documentation. First however, the R/A Coordinator explains to the individual seeking the accommodation, in specific terms, why the provided information is insufficient, what additional information is needed, and why it is necessary for determining the reasonable accommodation request. If the medical documentation is sufficient, proceed to Step GD-1.

- IP-5 The individual asks their health care provider to submit the missing information. Alternatively, the individual signs a limited release to permit the R/A Coordinator to contact the health care provider directly. The R/A Coordinator submits a list of specific questions to the individual's health care provider or contacts them directly. As an alternative, if appropriate, the R/A Coordinator offers the individual the option of being examined by a physician of the FRTIB's choosing. If the medical documentation received is sufficient, proceed to Step GD-1.
- IP-6 If the individual fails to comply with his or her responsibility under this section, proceed to Step GD-2.

4.3 Granting and Denying a Reasonable Accommodation Request

The FRTIB will make every attempt to determine whether to grant or deny accommodations within twenty workdays of the date the R/A Coordinator receives the request or as soon as practical under the circumstances. The twenty workday time period does not include the time period during which the FRTIB is awaiting receipt of medical information from the employee or an opinion from a medical expert of FRTIB's choosing. When the FRTIB is unable to meet the twenty workday time period, the requesting individual will be advised of the reason for the

delay, including any extenuating circumstances that justify the delay, and an approximate date on which a decision or the provision of the accommodation will be made.

GD-1 After considering all relevant information and completing the interactive process the R/A Coordinator, in consultation with the supervisor, determines whether the accommodation request should be granted or denied. The decision to grant and/or deny a request for a reasonable accommodation will be communicated to the requestor by the R/A Coordinator in the Human Resources Division. If requested, the R/A Coordinator will make the notice available in an accessible format as needed. If the decision is to grant a reasonable accommodation request, proceed to step GD-3.

GD-2 If the R/A Coordinator, in consultation with the supervisor, concludes a request should be denied because the requester is not a “qualified individual with a disability,” the accommodation would cause an undue hardship, or the requester did not comply with his or her responsibility under Section 4.2, the R/A Coordinator issues a written notice to the employee indicating that the request for accommodation is being denied. If the denial is based on undue hardship, the R/A Coordinator obtains the concurrence of the Director of Resource Management. The R/A Coordinator ensures the written notice includes reasons for denial, procedures available for dispute resolution, and notification that the employee has the right to file an EEO complaint or grieve the decision using the administrative grievance procedure, as appropriate. If a decision is being made that a reasonable accommodation will be denied based on cost, the R/A Coordinator and management officials must consider all resources available to the agency as a whole, excluding those designated by statute for a specific purpose that does not include reasonable accommodations. Proceed to step IT-1.

GD-3 If the R/A Coordinator, in consultation with the supervisor, determines that an accommodation should be granted, whether it was the requested accommodation or an alternative effective accommodation, he or she promptly informs the individual

that the request will be granted, provides an estimated time frame for the implementation process, and works with the appropriate FRTIB staff (e.g., administrative officer, IT staff, etc.) to arrange for the use of resources to provide the accommodation, including the use of FRTIB's centralized fund set aside for this purpose. Proceed to step IT-1. The FRTIB will strive to provide the actual accommodation that has been determined to be appropriate as a result of the interactive process as quickly as possible, but no later than fifteen working days from the date the request is granted, absent extenuating circumstances. Examples of extenuating circumstances include purchase of equipment, architectural barrier removal, job reassignment, etc. When there is a delay, the FRTIB will strive to provide temporary measures to assist the requesting individual on an interim basis. Where an accommodation can be provided in less time than the fifteen working days authorized, the failure to respond promptly to the request may result in a violation of the Rehabilitation Act. Absent extenuating circumstances, FRTIB will provide the requested accommodation or deny the employee's request within thirty-five work days. The time limit begins to run when the accommodation is first requested.

4.4 Dispute Resolution

- DR-1 If a request is denied and an applicant or employee wishes to request reconsideration, he or she submits a written request to the Director of Resource Management within 10 workdays of receiving a denial. If the individual wishes to file an EEO complaint or pursue a grievance, the individual follows the procedures established in accordance with the Agency's EEO Program and/or Administrative Grievance System.
- DR-2 The Director of Resource Management reviews the available material and either affirms or reverses the initial decision. Absent extenuating circumstances, the Director of Resource Management renders a decision within ten workdays of receipt of the request. If the Director of Resource Management reverses the decision, proceed to step GD-3.

- DR-3 If the Director of Resource Management affirms the decision, he or she promptly informs the R/A Coordinator.
- DR-4 The R/A Coordinator provides the employee or applicant with a written response in accordance with step GD-2.
- DR-5 If the requesting individual wishes to pursue an EEO complaint for the denial of an accommodation, he or she must address his or her concerns through the Agency's EEO complaint process through the Agency's EEO Counselor within 45 days of the denial, regardless of whether the applicant or employee participates in an informal dispute resolution process. If the requesting individual fails to adhere to the 45 day timeframe requirement, the individual's right to file a complaint will be lost.

4.5 Information Tracking and Report

- IT-1 The R/A Coordinator tracks and maintains custody of all records obtained or created during the processing of a request for reasonable accommodation, including medical records in accordance with the Reasonable Accommodation policy and FRTIB record retention schedule. The records will be used to determine whether FRTIB is complying with the nondiscrimination and affirmative action requirements imposed under Section 501, and are available to EEOC upon request. Details about each request for reasonable accommodation must include, at a minimum: (1) reasonable accommodation requested, if any; (2) the job sought by the requesting applicant or held by the requesting employee; (3) whether the accommodation was needed to apply for a job, perform the essential functions of a job, or enjoy the benefits and privileges of employment; (4) whether the request was granted; (5) identify of the deciding official; (6) if denied, the basis for such denial; and (7) the number of days taken to process the request.
- IT-2 Applicants and employees may contact the R/A Coordinator in the Human Resources Division to obtain the status of their reasonable accommodation request.

Appendix B: Reference Material

- The Rehabilitation Act of 1973, *as amended*, 29 U.S.C. §§ 701
- The American with Disabilities Act Amendments Act of 2008 (ADAAA)
- Executive Order 13164
- Genetic Information Nondiscrimination Act of 2008 (GINA)